

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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ROSETTA SIMMONS,

Plaintiff,

-against-

**NEW YORK CITY TRANSIT
AUTHORITY,**

Defendant.
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**MEMORANDUM
AND ORDER**

02-CV-1575 (CBA)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Currently pending before this Court is a dispute between plaintiff and non-party witness Dr. Robert Nadig, defendant's expert. The Court rules as follows on the two issues presented:

(1) Dr. Nadig shall, on pain of sanctions, provide plaintiff's counsel with an updated CV by January 3, 2006.

(2) Plaintiff is not entitled to disclosure of the identities of Dr. Nadig's two employers, as plaintiff has failed to establish the relevance of this information. Plaintiff presumably has obtained from Dr. Nadig an updated "listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years." Fed. R. Civ. P. 26(a)(2)(B). This information will enable plaintiff to obtain copies of Dr. Nadig's testimony in other cases and to develop plaintiff's theory of bias, based on whether Dr. Nadig has been retained as an expert by plaintiffs/injured parties, or whether he works

exclusively for employers; plaintiff does not need the names of Dr. Nadig's clients to establish bias.

SO ORDERED.

**Dated: Brooklyn, New York
December 7, 2005**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**